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INFO RUESBA/AMEMBASSY BUENOS AIRES 7333

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RUESUZ/AMEMBASSY BRASILIA 1941

RUESNA/AMEMBASSY SANTIAGO 1605

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MONTEVIDEO 4396 (ENTIRE TEXT)

E.O. 12065: GDS 12/22/84 (SHAW, DAVID G.) OR/P

TAGS: AGOV, SHUM, UY

SUBJ: YEAR-END UPDATE ON WORK OF THE MILITARY JUSTICE SYSTEM

REF: MONTEVIDEO 2073

1. EMBASSY HAS RECEIVED FROM SUPREME MILITARY TRIBUNAL, WHICH HAS JURISDICTION OVER ALL CASES INVOLVING "SUBVERSION," INFORMAL YEAR-END STATISTICAL REPORT ON WORK OF THE MILITARY JUSTICE SYSTEM. DATA IS BELIEVED TO BE ACCURATE AND, COMBINED WITH STATISTICS PUBLICLY RELEASED LAST JUNE (REFTEL), IT PROVIDES AN UP-TO-DATE COUNT OF THE BULK OF URUGUAY'S POLITICAL PRISONER POPULATION, PLUS INDICATIONS OF A DECLINING TREND IN THEIR OVERALL NUMBER.

2. DATA, PROVIDED IN CONFIDENCE BY SUPREME MILITARY TRIBUNAL PRESIDENT COL. FEDERICO SILVA LEDESMA, IS CONFIRMED BY ANOTHER SOURCE (PROTECT) WITH ACCESS TO INDEPENDENTLY-MAINTAINED RECORDS OF ANOTHER GOV OFFICE WITH SIMILAR RESPONSIBILITIES. INFORMATION RUNS THROUGH DECEMBER 19. IT INDICATES 797 INDIVIDUAL SENTENCES DECREED DURING 1978, 534 OF THEM FREEING PRISONERS FOR VARIOUS REASONS INCLUDING COMPLETION OF SENTENCE AND SEVERAL TYPES OF EARLY RELEASE. (WE ARE TOLD THAT EARLY RELEASES MAKE UP A GROWING PROPORTION OF ALL MILITARY COURT ACTIONS; THIS WOULD APPEAR TO BE TRUE BUT CANNOT BE CONFIRMED STATISTICALLY.) SILVA COMMENTED THAT RELEASE OF ANOTHER 30 TO 35 PRISONERS WOULD BE DECREED BEFORE YEAR-END. IN ADDITION TO THE ABOVE, 51 OTHER DETAINEES WERE "CLAUSURADOS", I.E., RELEASED BY THE JUZGADOS MILITARES DE INSTRUCCION FOR LACK OF EVIDENCE. SILVA WAS OBVIOUSLY PLEASED THAT THE INCREASED VOLUME OF THE COURT'S WORK (UP 20 PERCENT FROM 1977) AND THE 500-PLUS RELEASES (ABOUT 500 INCLUDING CLAUSURADOS) WERE RESPONSIVE TO SPECIFIC COMMITMENTS HE HAD MADE TO WILLIAM BUTLER DURING THE LATTER'S ABA-SPONSORED FACT-FINDING MISSION LAST APRIL. SILVA BELIEVES THAT, WITH AN INCREASING NUMBER OF RELEASES, ESPECIALLY EARLY RELEASES, AND A CONTINUING DECLINE IN THE NUMBER OF NEW CASES (ONLY 144 REPORTED THIS YEAR), BY 1981 ONLY SOME 300 HARD-CORE "SEDICIOSOS" WOULD REMAIN IN PRISON. THESE WOULD GENERALLY BE SERVING LONGER SENTENCES FOR SUCH OFFENSES AS MURDER, ARMED ROBBERY AND KIDNAPPING.

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ARGENTINA PROJECT (S200000044)  
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3. SILVA'S LATEST DATA, COMBINED WITH EARLIER STATISTICS, INDICATE THAT 5,726 PERSONS HAVE BEEN TURNED OVER TO THE MILITARY JUSTICE SYSTEM SINCE APRIL 1972, WHEN CASES INVOLVING "SUBVERSION" WERE REMOVED FROM CIVILIAN COURTS. OF THIS NUMBER, 1,233 WERE RELEASED FOR LACK OF EVIDENCE. OF THE REMAINING 4,473, TRIALS HAVE BEEN COMPLETED IN 3,665 CASES (81.9 PERCENT), LEAVING 808 AWAITING TRIAL. OF THESE 3,665 "SENTENCIADOS," 2,860 HAVE ALREADY BEEN "LIBERADOS" FOR VARIOUS CAUSES, LEAVING 805 CURRENTLY SERVING SENTENCE. COMBINED WITH THOSE AWAITING COMPLETION OF TRIAL, THIS LEAVES A TOTAL OF 1,613 POLITICAL PRISONERS UNDER THE JURISDICTION OF THE MILITARY JUSTICE SYTEM.

4. THE PRECEDING FIGURE TAKES NO ACCOUNT OF THE NUMBER OF DETAINEES BEING HELD BY MILITARY COMMANDS UNDER THE "MEDIDAS PRONTAS DE SEGURIDAD" (MPS). SILVA BELIEVES THAT PERSONS DETAINED UNDER THE MPS WITH VERY FEW EXCEPTIONS, ARE NOW BEING REPORTED TO HIS COURT WITHIN THE REQUIRED TEN DAYS, AND THAT THE NUMBER OF SUCH DETAINEES AT ANY TIME RARELY EXCEEDS TEN. HE ACKNOWLEDGES A SPECIAL CATEGORY OF "ESPECIALLY DANGEROUS" LONG-TERM MPS DETAINEES, SOME OF WHOM HAVE ACTUALLY COMPLETED PRISON TERMS. AS OF MID-SEPTEMBER, ACCORDING TO SILVA, THE NUMBER OF SUCH DETAINEES WAS 19. (THE EMBASSY HAS A COPY OF AN INTERNAL GOU DOCUMENT INDICATING THAT, AS OF MID-SEPTEMBER, THE ARMY WAS HOLDING A TOTAL OF 44 MPS DETAINEES.)

5. COMMENT: WHATEVER THE CASE, IT SEEMS LIKELY THAT A CERTAIN UNKNOWN NUMBER OF DETAINEES EXISTS OVER WHICH SILVA NEITHER HAS JURISDICTION NOR RELIABLE INFORMATION. LAST JUNE (REFTEL) WE GUESSTIMATED THIS NUMBER AS RUNNING FROM SOMEWHAT LESS THAN A HUNDRED TO PERHAPS AS MANY AS THREE HUNDRED. HOWEVER, GIVEN THE OBVIOUSLY REDUCED NUMBER OF ARRESTS IN 1978 AND THE FREQUENT REPORTS OF SUBSEQUENT RELEASE AFTER BRIEF DETENTION, WE ARE NOW INCLINED TO PUT THE LIKELY NUMBER OF MPS DETAINEES AT A HUNDRED OR LESS. THIS WOULD LEAVE A TOTAL OF ABOUT 1,700 POLITICAL DETAINEES AT PRESENT. THIS CONTRASTS NOTABLY WITH THE GOU'S OFFICIAL FIGURE OF OVER 2,300 REPORTED TO THE IAHRIC IN OCTOBER 1977, AND A PROBABLE HIGH OF 3,000 TO 3,500 IN 1975-76.

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